NOTIFICATION.

No. L. D. 1146, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, the City of Bangalore Improvement (Amendment) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Improvement Act, 1945.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (Mysore Act V of 1945), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Bangalore Improvement (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. In the City of Bangalore Improvement Act, 1945, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act V of 1945.

(i) for the words and figure "Mysore City Municipalities Act, 1933," the words and figure "City of Bangalore Municipal Corporation Act, 1949," shall be substituted ;

(ii) for the words "Official Gazette", the words "*Mysore Gazette*" shall be substituted ; and

(iii) for the words "Municipal Council", the word "Corporation" shall be substituted.

3. For section 2 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 2 of Mysore Act V of 1945.

"2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) "betterment fee" means the fee prescribed by section 18-A, in respect of an increase in the value

of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Bangalore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "Corporation" means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) "Government" means the State Government;

(6) "land" has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1894;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not;

(9) "Tribunal" means the Tribunal constituted under section 27-A, and until it is constituted, the court having jurisdiction, or the special judicial officer appointed to perform the functions of the court in the City of Bangalore under the Mysore Land Acquisition Act, 1894, irrespective of whether the case arises within or outside the limits of the said city, and all references to the Tribunal shall be construed accordingly;

(10) "trustee" means a member of the Board;

(11) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949."

Amendment of section 4 of Mysore Act V of 1945.

4. In section 4 of the said Act, for the words "Municipal Councillors of the City", the words "Councillors of the Corporation" shall be substituted.

Amendment of section 8 of Mysore Act V of 1945.

5. In clause (*g*) of sub-section (1) of section 8 of the said Act, for the words "Municipal Councillor," the words "Councillor of the Corporation" shall be substituted.

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6. In sub-section (3) of section 9 of the said Act, after the words "as it thinks fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire" shall be inserted. Amendment of section 9 of Mysore Act V of 1945.

7. In section 10 of the said Act,— Amendment of section 10 of Mysore Act V of 1945.

(1) in sub-section (1) for the words "one thousand rupees" and figure "1,000", the words "five thousand rupees" and figure "5,000" shall be substituted.

(2) in sub-section (2), the words "two other Trustees" shall be omitted; and for the figure "1,000", the figure "5,000" shall be substituted;

(3) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2-A) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of—

(*a*) the Chairman, if the contract or agreement in respect of such expenditure was entered into by him under sub-section (1);

(*b*) the Board, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement does not exceed fifteen thousand rupees;

(*c*) the Government, if the contract or agreement in respect of such expenditure was entered into under sub-section (2) and the value or amount of the contract or agreement exceeds fifteen thousand rupees.

(2-B) Sub-sections (1), (2) and (2-A) shall apply to every variation or abandonment of a contract, agreement or estimate, as well as to an original contract, agreement or estimate."

(4) For sub-section (3), the following sub-section shall be substituted, namely: —

"(3) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix it to any contract or other instrument."

Amendment of section 12 of Mysore Act V of 1945.

8. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely:—

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

Insertion of new section 12-A in Mysore Act V of 1945.

9. After section 12 of the said Act, the following section shall be inserted, namely:—

Delegation of Chairman's powers.

"12-A. (1) The Chairman may, with the approval of the Government, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 9, 12, 32, 36, 49 and 50:

Provided that—

(*a*) such delegation shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the Chairman shall not delegate his power under section 10 to make on behalf of the Board any contract involving an expenditure exceeding three thousand rupees;

(*c*) the Chairman shall not delegate his power under section 39 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*d*) the Chairman shall not delegate to any officer any of his powers under section 39 in respect of any employee of the Board, unless such employee was appointed by such officer by virtue of a delegation of the Chairman's powers of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1), shall be subject to such restrictions, conditions and limitations (if any), as may be laid down by the Chairman, and shall also be subject to his control and revision."

10. For section 14 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 14 of Mysore Act V of 1945.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(*a*) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas to which this Act applies ;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also frame and carry out any improvement scheme on an official representation by the Corporation, provided that the necessary money for framing and carrying out any such scheme is paid to the Board by the Corporation.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any other scheme or work and execute it subject to such terms and conditions as may be specified by the Government."

11. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting", shall be omitted. Amendment of section 15 of Mysore Act V of 1945.

12. In section 16 of the said Act, Amendment of section 16 of Mysore Act V of 1945.

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted; and for the word "President," the word "Mayor" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore*

Gazette, the Board shall serve a notice on every person whose name appears in the assessment list of the Corporation or the municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person, so served dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment of section 18 of Mysore Act V of 1945.

13. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "ten thousand rupees" shall be substituted.

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J, and 18-K in Mysore Act V of 1945.

14. After section 18 of the said Act, the following sections shall be inserted, namely :—

Payment of betterment fee.

"18-A. (1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-half of such increase in value.

Assessment of betterment fee by the Board.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 18-E if any, may, within three months from the date of the communication thereof, appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and the decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1911, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of six per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity

of interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum upto the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of six per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said p rs n or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area.

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act."

Amendment of section 20 of Mysore Act V of 1945.

15. In section 20 of the said Act, for the words "President" and "Municipal drain", the words "Mayor" and "Corporation drain" shall respectively be substituted.

Substitution of new section for section 21 of Mysore Act V of 1945.

16. For section 21 of the said Act, the following section shall be substituted, namely :—

Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.

"21. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be."

Substitution of new section for section 25 of Mysore Act V of 1945.

17. For section 25 of the said Act, the following section shall be substituted, namely :—

Forming of new extensions or lay-outs or making new private streets.

"25. (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify.

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(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars:—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of thestreets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, under-ground drainge and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board,

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) if the lay-out in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions sub-section (1), or makes any street without or otherwise of than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees."

18. After section 25 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 25-A and 25-B in Mysore Act V of 1945.

Alteration or demolition of extension, lay-out or street.

" 25-A. (1) If any person forms an extension or lay-out or makes any street referred to in section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice :—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

25-B. (1) The Chairman may,

(*a*) if any person who applies for permission under section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out ; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman ;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work

which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

19. After section 27 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 27-A, 27-B, 27-C, 27-D, 27-E, 27-F and 27-G in Mysore Act V of 1945.

"27-A. (i) The Government may, if they think fit, constitute a Tribunal as provided in section 27-B, for the purpose of performing the functions of the court in reference to the acquisition of land for the Board under the Mysore Land Acquisition Act, 1894. Tribunal to be constituted.

(2) If a Tribunal is constituted under section 27-B,

(i) the Tribunal shall (except for the purposes of section 54 of the Mysore Land Acquisition Act, 1894) be deemed to be the court, and the President of the Tribunal shall be deemed to be the Judge thereof;

(ii) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a civil court under the Code of Civil Procedure, 1911; and

(iii) the award of the Tribunal shall be deemed to be the award of the court under the Mysore Land Acquisition Act, 1894, and shall be final.

27-B. (1) The Tribunal shall consist of three members namely, a President and two assessors. Constitution of Tribunal.

(2) The President of the Tribunal shall be either—

(*a*) a member of the Mysore Judicial Service of not less than ten years' standing in such service, who has, for at least three years, served as District Judge or held judicial office not inferior to that of a Subordinate Judge; or

(*b*) a barrister, or advocate of not less than ten years' standing who has practised as an advocate in the High Court of Mysore.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Government, and the other assessor shall be appointed by the Corporation :

Provided that, if the Corporation fails to make an appointment within one month after it is required so to do by the Government, the appointment shall be made by the Government.

(4) No person shall be eligible for appointment as a member of the Tribunal, if he is a trustee or is, for any of the reasons mentioned in section 8, disqualified to hold the office of a trustee.

(5) The term of office of each member of the Tribunal shall be three years; but any member shall, subject to sub-section (4), be eligible for re-appointment at the end of that term.

(6) The Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, remove any member of the Tribunal from office.

(7) Every vacancy, whether permanent or temporary, in the office of a member of the Tribunal, shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in the *Mysore Gazette*.

Remuneration of members of Tribunal.

27-C. A member of the Tribunal shall be entitled to receive such remuneration, by way of salary or fees or both, as the Government may prescribe.

Officers and servants of Tribunal.

27-D. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

(*a*) the number and grades of the clerks and other officers and servants whom he considers should

be employed for carrying on the business of the Tribunal,

(*b*) the amount of the salary to be paid to each such officer and servant, and

(*c*) the contributions payable in respect of each such officer or servant who is a servant of the Government.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Government.

(3) The President of the Tribunal shall, with the previous sanction of the Government, make rules—

(i) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Tribunal :

Provided that a servant of the Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Government relating to transfer to foreign service;

(ii) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Government in respect of whom a contribution is paid) to subscribe to such fund, at such rates and subject to such conditions as may be prescribed and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board ;

(iii) for determining the conditions under which the officers and servants of the Tribunal or any of them shall, on retirement, receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances :

Provided that it shall be at the discretion of the Tribunal to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement, to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotions to posts in the service of the

Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

Payments by Board on account of Tribunal.

27-E. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with sections 27-C and 27-D, shall be provided by the Board.

Power to make rules for Tribunal.

27-F. (1) The President of the Tribunal may, from time to time, with the previous sanction of the Government, make rules, not repugnant to the Code of Civil Procedure, 1911, for the conduct of business by the Tribunal.

(2) All such rules shall be published in the *Mysore Gazette.*

Award of Tribunal how to be determined.

27-G. (1) For the purpose of determining the award to be made by the Tribunal under the Mysore Land Acquisition Act, 1894,—

(*a*) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;

(*b*) questions relating to the determination of the persons to whom compensation is payable or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary; and when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal; and

(*c*) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure, shall rest solely with the President of the Tribunal.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the court of the District Judge, Bangalore, as if it were a decree of that court."

20. In section 32 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted. Amendment of section 32 of Mysore Act V of 1945.

21. For the last sentence of section 34 of the said Act, the sentence "A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation", shall be substituted. Amendment of section 34 of Mysore Act V of 1945.

22. In section 35 of the said Act, for the word "President", the word "Mayor" shall be substituted. Amendment of section 35 of Mysore Act V of 1945.

23. In section 36 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted. Amendment of section 36 of Mysore Act V of 1945.

24. In section 37 of the said Act, for the word "President", the word "Mayor" shall be substituted. Amendment of section 37 of Mysore Act V of 1945.

25. In sub-section (1) of section 39 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added namely :— Amendment of section 39 of Mysore Act V of 1945.

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs."

26. In sub-section (1) of section 43 of the said Act after clause (*e*), the following clause shall be inserted namely :— Amendment of section 43 of Mysore Act V of 1945.

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

Insertion of new section 49-A in Mysore Act V of 1945.

27. After section 49 of the said Act, the following section shall be inserted, namely :—

Duties of police officers.

"49-A. It shall be the duty of every police officer—

(*a*) to communicate without delay to the proper officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule or bye-law made under it ;

(*b*) to assist the Chairman or any officer or servant of the Board or any person to whom the Chairman has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant of the Board or person under this Act or any such rule or bye-law ; and for all such purposes, he shall have the same powers which he has in the exercise of his ordinary police duties."

Amendment of section 50 of Mysore Act V of 1945.

28. In section 50 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 51 of Mysore Act V of 1945.

29. In sub-section (1) of section 51 of the said Act, after the words "purporting to have been done", the words "for and on behalf of the Board" shall be inserted.

Statement of Objects and Reasons.

The City of Bangalore Improvement Act was passed in the year 1945. Experience of the working of the Act for over four years has revealed a number of defects which hamper effective administration and the need is felt to revise some of the provisions and also to include certain desirable provisions. The Act also requires modifications by way of consequential and incidental amendments to meet the changed conditions arising from the enactment of the City of Bangalore Municipal Corporation Act, 1949.

This Bill is intended to secure these objects, and while effecting necessary modifications and additions, the general frame work of the Act has been kept intact. Advantage has also been taken to incorporate the more important provisions of the Madras City Improvement Trust Act, 1945, with such modifications as are suited to local conditions.

The following Notes on Clauses will briefly explain the main clauses of the Bill :—

NOTES ON CLAUSES.

Clause 6.—Enables the Board to associate with the Committees constituted under the Act, any person or persons (other than trustees) whose advice may be desired.

Clause 7.—The maximum limit of the amount of estimate or contract which the Chairman can sanction or execute has been enhanced from Rs. 1,000 to Rs. 5,000 and that of the Board from Rs. 5,000 to Rs. 15,000. For amounts exceeding Rs. 15,000, the sanction of the Government is necessary.

Clause 8.—The Chairman is enjoined to carry out and execute schemes or works sent by the Government and to incur necessary expenditure therefor.

Clause 9.—Empowers the Chairman to delegate with the approval of the Government certain specified powers and duties conferred or imposed on him under the Act to any of the Officers of the Board.

Clause 10.—Vests power in the Board to take up Improvement Schemes on an official representation by the Bangalore Municipal Corporation, provided the Corporation furnishes the necessary funds for the Scheme.

Clause 14.—Introduces new provisions for the assessment and payment of betterment fee in respect of any land on account of the increases in the value of the land resulting from the execution of an Improvement Scheme and for the settlement of the betterment fee payable by an arbitrator. The new section 18-B vests power in the Board to take up works for further improvement and to recover the expenditure incurred for the purposes on a pro-rata basis.

Clause 16.—Enables the Government in respect of a notified area, to empower the Board and the Chairman to exercise certain powers and functions of the Corporation and the Commissioner, respectively, under the City of Bangalore Municipal Corporation Act, 1949.

Clauses 17 and 18.—Regulates the forming of private extensions, lay-outs or streets under certain specified conditions.

Clause 19.—Provides for the constitution of a Tribunal for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Mysore Land Acquisition Act, 1894, and for other allied matters, such as, remuneration of members of the Tribunal, mode of determination of the award of Tribunal and enforcement of the award of the Tribunal in the Court of the District Judge, Bangalore.

Clause 27.—Imposes a duty on the police officers to furnish information in regard to the commission of any offence under the Act.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.